



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

RECENT CASES

CARRIERS — ABANDONMENT OF BRANCH — RIGHT OF INDIVIDUAL TO SUE FOR DAMAGES. — The defendant extended a branch line to Corbin, where the plaintiffs' mines were situated, and operated a spur from the branch line to the mines. In reliance on the extension of the branch and spur, the plaintiffs invested a considerable amount of capital in developing the mines. Some years later, the defendant tore up the Corbin branch and spur, leaving the plaintiffs without adequate railroad facilities and greatly increasing the cost of transportation. The plaintiffs brought an action to recover the damages resulting from the increased cost of transportation. The defendant demurred to the complaint. *Held*, that the demurrer be sustained. *Helena & Livingston Smelting & Reduction Co. v. Northern Pacific Ry. Co.*, 204 Pac. 370 (Mont.).

If a common carrier, without cessation of business, refuses to accept goods properly tendered for carriage, it violates a duty owed the shipper and he may recover for damage suffered. *Hall v. Cumberland Pipe Line Co.*, 237 S. W. 405 (Ky.). See *Eastern Ry. v. Littlefield*, 237 U. S. 140. But a railroad owes shippers no duty to stay in business. With the sanction of the legislature it may with impunity relocate its line. *Bryan v. Louisville & N. Ry. Co.*, 244 Fed. 650 (8th Circ.). It may violate its franchise by the abandonment of a particular type of service and not be liable to various individuals thereby affected. *Kinealy v. St. Louis, etc., Ry. Co.*, 69 Mo. 658. Such duty as it may owe to continue in business it owes only to the state. See Wesley N. Hohfeld, "Fundamental Legal Conceptions," 23 YALE L. J. 16, 51. But see WYMAN, PUBLIC SERVICE CORPORATIONS, §§ 330-333. In appropriate cases the state may enforce this duty by *mandamus*. *Brown v. Atlantic & B. Ry. Co.*, 126 Ga. 248, 55 S. E. 24; *State v. Spokane Street Ry. Co.*, 19 Wash. 518, 53 Pac. 719. See WYMAN, *op. cit.*, § 305. See 22 HARV. L. REV. 367; 26 HARV. L. REV. 659. Or the state may allow an individual to bring *mandamus* on behalf of the state. *Union Pacific R.R. Co. v. Hall*, 91 U. S. 343. See HIGH, EXTRAORDINARY LEGAL REMEDIES, 3 ed., § 430 *et seq.* Where this mode of proceeding is permitted the individual's substantive rights are in no way enlarged. Even if, in the principal case, the plaintiff might have compelled the railroad to continue operation, he has no cause of action because of damage sustained through increased cost of transportation due to the discontinuance of the Corbin branch.

CONSTITUTIONAL LAW — DUE PROCESS — CONSTITUTIONALITY OF THE SERVICE LETTER LAWS — ATTITUDE OF THE COURTS. — A statute provides: "Whenever any employé of any corporation doing business in this state shall be discharged or voluntarily quit . . . it shall be the duty of the superintendent or manager of said corporation, upon the request of such employé . . . to issue to such employé a letter, duly signed by such superintendent or manager, . . . truly stating for what cause, if any, such employé has quit such service" (1919 MO. REV. STAT. § 9730). The plaintiff brought an action under the statute for failure to give the required letter. The defense alleged that the statute was unconstitutional, depriving the employer of liberty without due process of law. *Held*, that the judgment for the plaintiff be affirmed. *Prudential Ins. Co. v. Cheek*, 42 Sup. Ct. Rep. 516.

The plaintiff brought an action under a similar statute. (OKLA. REV.